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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,345	06/02/2000	Keisei Yamamuro	FUR0009-US	6061

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EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 08/12/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,345

Applicant(s)

YAMAMURO ET AL.

Examiner

Prenell P Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 26-33 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-25 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 9, Applicant is claiming a **plurality pieces of information** on the types of contents for a plurality of contents, which is not described in the specification.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1-25 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention. **Regarding claim 3**, Applicant is claiming "contents are restorable based on the information on the type of the contents before restoring the contents", which is not clear to Examiner

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as what exactly Applicant is claiming. Claims 4-10 depend on claim 3 therefore claims 4-10 are rejected as well. **Regarding claim 6**, Applicant is claiming in line 1 and 2 "*the receiving device not performs the restoration of all the contents in the case any of a plurality of contents*", which is not clear to Examiner as what Applicant is claiming. Examiner questions if Applicant has a type "o."

Regarding claim 7, Applicant is claiming in line 7 "the receiving device not performs the restoration of only the content elements that are not restorable", which is not clear to Examiner as what Applicant is claiming. **Regarding claim 9**, Applicant is claiming a ***plurality pieces of information***, which is unclear to Examiner as to what Applicant is claiming.

3. **Claim 1** recites the limitation "*the type of contents*" in lines 6, 8, 9; "*the basis*" in line 8; "the restoration process", in line 9.

Claim 2 recites the limitation "the type of contents" in line 1.

Claim 3 recites the limitation "*the information on the type of contents*" in line 20, "*the process*" in line 21. Claims 4-10 depend on claim 3 therefore claims 4-10 are rejected as well.

Claim 5 recites the limitation "*the type of contents*" in line 29, "the type of a plurality of contents" in line 29-30.

Claim 6 recites the limitation "*the case*" in line 2.

Claim 7 recites the limitation "*the case*" in line 5.

Claim 8 recites the limitation "*the information on the type of contents*" in lines 10, 11, "*the basis*" in line 12, "*the type of contents and the basis*" in lines 10-14.

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Claim 9 recites the limitation "*the type of contents*" in line 19.

Claim 11 recites the limitation "*on the basis and the type of contents*" in line 31.

Claim 12 recites the limitation "*the information on the type of contents*" in line 7 and 8, "the basis of the information on the type of contents and restoration process" in line 10 and 11.

Claim 13 recites the limitation "*the type of contents and the location*" in line 17 and 18, "the basis of the information on the type of contents and the restoration process" in line 22-24.

Claim 14 recites the limitation "*basis of the necessary condition*" in line 17 and 18, "the basis of the information on the type of contents and the restoration process" in line 31.

Claim 15 recites the limitation "*the type of contents, on the location and the contents*" in line 5 and 6.

Claim 16 recites the limitation "*the receiving device side*" in line 10.

Claim 17 recites the limitation "*the contents, the basis of the information on the type of the contents, the restoration process of the contents, the program, the basis of the acquisition location information*" in lines 13-18. Claims 18-21 depend on claim 17 therefore claims 18-21 are rejected as well.

Claim 20 recites the limitation "*the Internet*" in line 27.

Claim 22 recites the limitation "*the contents on the basis of information on the type of the contents when a restoration process and the basis of the acquisition location information*" in line 5-8. Claim 23 depends on claim 22 therefore claim 23 is rejected as well.

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Claim 24 recites the limitation "*the information on the type of contents, the broadcasting side, the basis of the information on the type of contents by the receiving side, the broadcasting side, the restoration process of the contents, the basis of the acquisition location information, the restoration process of the contents*" in line 17-25. Claim 25 depends on claim 24 therefore claim 25 is rejected as well.

Claim 34 recites the limitation "*the type of contents, the basis, the restoration process*" in line 26-30.

There is insufficient antecedent basis for these limitations in the claims mentioned above.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2, rejected under 35 U.S.C. 102(b) as being anticipated by Shimoji et al.

Regarding claims 1 and 2, Shimoji (Abstract, col. 11, line 8-63, discloses a digital broadcasting system and a receiver apparatus for a digital broadcast system that

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includes a reproduction unit (restoration) and judgment unit (determination) used in association with communication data/information, wherein data judgment is performed to verify data before reproduction of data begins, (col. 13, line 1 thru col. 14, line 67, control information associated with data, control data associated with a multiplexed stream, presentation information is multiplexed, (col. 20, line 1-67) contents information is displayed on a display screen, (col. 21, line 30 thru col. 22, line 67) data transmission apparatus is constructed to multiplex data for a plurality of contents, (col. 66, line 58-67, col. 67, line 8-60), and reproduction of data is based on the kind of data (type of data), such as image data, audio data and navigation data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 703-305-0630. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

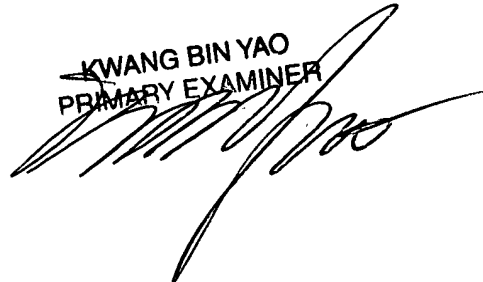
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

July 29, 2004

KWANG BIN YAO
PRIMARY EXAMINER

A large, stylized handwritten signature in black ink, likely belonging to Kwang Bin Yao, is written over the printed name and title.